

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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)
)
v.) Criminal No: 20-cr-10012-IT
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)
PAUL BATEMAN,)
Defendant.)

THIRD JOINT INTERIM STATUS REPORT

Pursuant to Local Rule 116.5(b), the parties hereby file the following status report prepared in connection with the status conference scheduled for August 4, 2020. In light of the information set forth below, the parties request that the hearing be cancelled.

(1) Automatic Discovery/Pending Discovery Requests

As discussed at the initial status conference and referenced in prior status reports, the government has provided automatic discovery. At the time of the initial status conference – prior to the onset of the ongoing public health crisis – the defendant was in the process of scheduling an appointment to review forensic discovery referenced in the government's automatic production, which contains contraband material and is in the possession of HSI. Because of the restraints on interpersonal interaction designed to mitigate transmission of COVID-19, the parties still need to arrange a safe way to accomplish that in-person viewing, which must occur before the defendant can elect to proceed by way of trial or change his plea. This, unfortunately, has not changed since the time of the last scheduled status conference, however the parties anticipate that such review could take place during the month of August.

There are no pending discovery requests, but counsel for the defendant reserves the right to make additional requests following or in conjunction with his review of the forensic evidence.

(2) Additional Discovery

The Government does not anticipate the need to provide additional discovery at this point, but expects to address any discovery requests promptly.

(3) Timing of Additional Discovery Requests

The defendant reserves the right to make additional requests following counsel's review of the forensic evidence.

(4) Protective Orders

The Court has already issued a protective order concerning sensitive discovery materials. No additional protective orders are anticipated by the parties.

(5) Pretrial Motions

The defendant has not yet determined whether he will file any pretrial motions under Fed. R. Crim. P. 12(b), and reserves the right to do so in accordance with a pretrial scheduling order.

(6) Expert Discovery

Both the government and defendant have agreed to provide any expert witness disclosures 28 days prior to trial.

(7) Defenses of Insanity, Public Authority, or Alibi

The defendant does not intend to raise a defense of insanity, public authority, or alibi.

(8) Speedy Trial Act

All of the time has been excluded from the defendant's initial appearance/arraignment through the date of the interim status conference scheduled for August 4, 2020. The parties request that the time be excluded through and including the date of the next status conference pursuant to 18 U.S.C. § 3161(h)(7)(a), and agree that the ends of justice served by excluding the time outweigh the interest of the public and the defendant in a speedy trial.

(9) Status of Plea Negotiations & Likelihood of Trial

The parties expect to have more substantive discussions regarding the potential resolution of the case following the defendant's review of the forensic evidence in this case. There is a possibility that this case may proceed to trial, in which case the parties estimate that it can be tried in one week.

(10) Scheduling of Further or Final Status Conference

Because of the evolving nature of the ongoing public health crisis and uncertainty surrounding when restrictions on in-person discovery review may be relaxed, the parties request that the case be scheduled for a further status conference in approximately 60 days.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

/s/ Brendan Kelley
Brendan Kelley
Assistant Federal Public Defender

By: /s/ Anne Paruti
Anne Paruti
Mackenzie A. Queenin
Assistant U.S. Attorneys

Dated: July 31, 2020

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing upon all counsel of record by electronic filing notice.

/s/ Brendan Kelley
Assistant Federal Defender

Dated: July 31, 2020